

REMARKS

Claims 1-34 are pending. Claims 5, 13, 14, 20, 25-33 and 34 are allowed. By this Response, claims 1, 15 and 21 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully.

Claim Objections

Claim 21 stands objected due to an informality. In response, claim 21 has been amended to address this informality. Accordingly withdrawal of the rejection is respectfully requested.

Prior Art Rejections

Claims 1-3, 7-9, 15-17, 21-23 and 27-29 stand rejected under 35 U.S.C. § 103(a) in view of Mok (U.S. Patent No. 6,008,986), Malgouires (U.S. Patent 5,107,402) and Tomkewitsch (EP 458019); claims 4, 6, 24 and 26 stand rejected under 35 U.S.C. § 103(a) in view of Mok, Malgouires, Tomkewitsch and Ashio (U.S. Patent No. 5,949,643) and claims 10-12 and 30-32 stand rejected under 35 U.S.C. § 103(a) in view of Mok, Malgouires, Tomkewitsch and Ames (U.S. Patent No. 4,787,040). These rejections are respectfully traversed.

Claims 1, 15 and 21 each refer to an operating unit or means being substantially flush with an instrument panel at a first position so as to partially cover a display means or screen in which the uncovered portion of the display is operational. Applicants respectfully submit that the combination of Mok, Malgouires and Tomkewitsch fail to teach these features of independent claims 1, 15 and 21.

In the rejection of claims 1, 15 and 21, the Examiner relies upon Malgouires and Tomkewitsch to teach the claimed operating unit being substantially flush with an instrument panel and partially covering said display screen, the uncovered portion of the display screens being operational. The Examiner asserts that Malgouires teaches the partial covering while Tomkewitsch teaches the device being substantially flush with the instrument panel. Applicants respectfully disagree.

Malgouires teaches a portable data processing terminal in which the central unit 1, screen 3 and keyboard 2 can be contained in a compact arrangement for storage and transportation purposes. The keyboard 2 does overlap the screen 3 as illustrated in Figure 2. Thus, the keyboard acts as a cover over the screen which allows for the data processing unit to be compact and portable when the data processing unit is not operating. *See column 4, lines 12-23.* Therefore, when the keyboard is flush against the screen, the display is not operational. Thus, Malgouires fails the specifics of Applicants' recited claim features. Specifically, Malgouires fails to teach or suggest, *inter alia*, the operating unit partially covering the display screen where the uncovered portion of the display screen is operational.

Further, Tomkewitsch fails to teach or suggest an operating means being substantially flush with an instrument panel of a vehicle. Tomkewitsch teaches a key pad that is attached to hinges so as to be able to be folded up against the automobile traffic information device. There is no teaching or suggestion of the key pad or device being substantially flush with an instrument panel. The Examiner alleges that this is obvious and apparently invokes official notice of this fact. Applicants, however, respectfully submit that the specific teaching in which an operational means which partially covers a display when substantially flush with an instrument panel is not taught by a

reference and mere speculation as to the teachings of the references or by one of ordinary skill is not appropriate and thus these teachings are not obvious. Should the Examiner maintain that this element of the claims is taught by Tomkewitsch or some other reference, then Applicants are respectfully submitted to provide a reference which provides this teaching.

Thus, Applicants respectfully submit that independent claims 1, 15 and 21 are distinguishable over the recited references. Further, the dependent claims are also distinguishable in view of the cited references for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the reasons above, it is respectfully submitted that claims 1-34 are distinguished over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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